

J. ENERGY FACILITIES

POLICIES

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

- A. The legislature finds that power generating plants and transmission lines for electricity and fuels, community antenna television towers and telecommunication towers have had a significant impact on the environment and ecology of the state of Connecticut; and that continued operation and development of such power plants, lines and towers, if not properly planned and controlled, could adversely affect the quality of the environment, the ecological, scenic, historic and recreational values of the state. The purposes of this chapter are: To provide for the balancing of the need for adequate and reliable public utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state and to minimize damage to scenic, historic, and recreational values; to provide environmental quality standards and criteria for the location, design, construction and operation of facilities for the furnishing of public utility services at least as stringent as the federal environmental quality standards and criteria, and technically sufficient to assure the welfare and protection of the people of the state; to encourage research to develop new and improved methods of generating, storing and transmitting electricity and fuel and of transmitting and receiving television and telecommunications with minimal damage to the environment and other values described above; to require annual forecasts of the demand for electric power, together with identification and advance planning of the facilities needed to supply that demand and to facilitate local, regional, state-wide and interstate planning to implement the foregoing purposes.

(Source: CGS 16-50g)

- B. The council shall not grant a certificate, either as proposed or as modified by the council, unless it shall find and determine: (1) A public need for the facility and the basis of the need; (2) the nature of the probable environmental impact, including a specification of every significant adverse effect, whether alone or cumulatively with other effects, on, and conflict with the policies of the state concerning the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity and fish and wildlife; (3) why the adverse effects or conflicts referred to in subdivision (2) of this subsection are not sufficient reason to deny the application; (4) in the case of an electric transmission line, (A) what part, if any, of the facility shall be located overhead, (B) that the facility conforms to a long-range plan for expansion of the electric power grid of the electric systems serving the state and interconnected utility systems and will serve the interests of electric system economy and reliability, and

(C) that the overhead portions of the facility, if any, are consistent with the purposes of this chapter, with such regulations as the council may adopt pursuant to subsection (a) of section 16-50t, and with the Federal Energy Regulatory Commission "Guidelines for the Protection of Natural Historic Scenic and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities" or any successor guidelines and any other applicable federal guidelines; (5) in the case of an electric or fuel transmission line, that the location of the line will not pose an undue hazard to persons or property along the area traversed by the line.

(Source: CGS 16-50p(a))

SEE ALSO:

National Interest Facilities and Resources Policy A (planning for and siting of facilities that are in the national interest including energy facilities serving statewide and interstate markets).

SEE ALSO PLAN OF CONSERVATION AND DEVELOPMENT POLICIES:

Energy Policy E, action 3 (preservation of potential energy facility sites).

Conservation Areas Guideline B-7 (development of potential energy facility sites and surrounding areas).

IMPLEMENTATION

STATE

The siting of power facilities including: 1) electric generating or storage facilities, 2) substations and switchyards, 3) electric transmission lines with a capacity of 69 kilovolts or more, 4) fuel transmission facilities except gas lines with a capacity of less than 200 pounds per square inch pressure, and 5) other facilities which may have a substantial adverse environmental effect is under the regulatory jurisdiction of the state Power Facility Evaluation Council (see CGS 16-50i(a)). Issuance by the PFEC of a "certificate of environmental compatibility and public need" for the siting of a power facility must be consistent with policies A and B above. In addition, as stated in policy B, issuance of a certificate by PFEC must be consistent with other environmental policies (including those of the Coastal Management Act) unless the Council makes a reasonable determination that the public need for the facility outweighs denial of a certificate based on the environmental policies. The PFEC has exclusive jurisdiction which

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supercedes other state regulatory programs regarding the type and siting of power facilities (see CGS 16-50x(a)). By a two-thirds vote the PFEC may override local restrictions or exclusions of power facilities (see CGS 16-50x(a) and (d)). However, the PFEC's jurisdiction over effluents, thermal effects, air and water emissions, protection of fish and wildlife and other environmental factors is in addition to, not in lieu of, other state regulatory programs (see CGS 16-50t(b)).

(Source: CGS Chapter 277a and
P.A. 79-535, sec. 20(a))

DEP energy facility permits for effluents (CGS Chapter 474a), air emissions (CGS Chapter 360), protection of fish and wildlife (CGS Chapter 490), structures and dredging (CGS Chapter 473), and wetlands and watercourses (CGS Chapter 440) must be consistent with all policies contained in the Coastal Management Act and other resource, use, and governmental process policies found elsewhere in this document.

(Source: P.A. 79-535, sec. 21)

- All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 20(b))

- All major state agency plans must, by July 1, 1981, be revised to insure consistency with all of the above policies.

(Source: P.A. 79-535, sec. 20(a))

The Coastal Area Management Unit of DEP has prepared an energy facility planning process which is contained in Part X(A) of this document.

(Source: Sec. 305(a)(8) of the federal
Coastal Zone Management Act of
1972, 16 USC 1456)

FEDERAL

Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal
Coastal Zone Management Act of
1972, 16 USC 1456)